Remarks

This Application has been carefully reviewed in light of the Office Action mailed June 4, 2004. Although Applicants believe all pending claims are allowable without amendment, Applicants have made clarifying amendments to Claims 13-14, 18-25, 29-36, and 40-46 to further clarify Applicants' invention. Certain of these amendments are not considered narrowing, and none are considered necessary for patentability. Applicants respectfully request reconsideration and allowance of all pending claims.

I. Applicants' Claims are Allowable under 35 U.S.C. § 102

The Examiner rejects Claims 13, 15-18, 21-24, 26-29, 32-35, 37-40, and 43-46 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,861,885 to Strasnick, et al. ("*Strasnick*"). Applicants respectfully disagree. Applicants respectfully provide the following remarks, which include Applicants' responses to the arguments presented by the Examiner in the Office Action.

Strasnick is merely directed to an information landscape data representation, which extends the three-dimensional bar chart paradigm into a navigable three-dimensional display space so that more information can be seen. (Column 3, Lines 51-60) *Strasnick* discloses using this representation to display information for a sales database, the illustrated topology representing a hierarchy within a hypothetical sales organization. (Column 6, Lines 26-29) *Strasnick* discloses the hierarchy being displayed on a ground plane of the information landscape with information being displayed on the ground plane irrespective of its position along any axis or its relationship to any member positioned along any axis. (*See, e.g.*, Column 4, Lines 27-29 and Column 6, Lines 26-35) *Strasnick*, whether considered alone or in combination with knowledge generally available to those having ordinary skill in the art at the time of invention, clearly fails to disclose, teach, or suggest various limitations recited in Applicants' claims. Applicants discuss Claim 1 as an example, addressing example limitations that *Strasnick* fails to disclose, teach, or suggest.

A. ***The "First Supply Chain Data Axis" Associated with "a First Dimension of the Supply Chain Data" and the "One or More Predetermined Positions along the Axis"***

For example, *Strasnick* fails to disclose, teach, or suggest a graphical user interface coupled to a database and operable to "display a graph comprising a plurality of axes, ***a first supply chain data axis being associated with a first dimension of the supply chain data, the first supply chain data axis comprising one or more predetermined positions along the axis each relating a member at the predetermined position along the axis to corresponding supply chain data in the graph at the predetermined position along the axis, the first dimension for the first supply chain data axis being associated with a first predetermined hierarchical arrangement of supply chain data for the first dimension***," as recited in Claim 1.

In contrast to "***a first supply chain data axis being associated with a first dimension of the supply chain data***" and "***the first dimension for the first supply chain data axis being associated with a first predetermined hierarchical arrangement of supply chain data for the first dimension***," as recited in Claim 1, the hierarchy disclosed in *Strasnick* is displayed on the ground plane, including the relationships between the objects displayed on the ground plane of the information landscape with information being displayed on the ground plane irrespective of its position along any axis or its relationship to any member positioned along any axis.

Even more clearly, displaying the hierarchy in the ground plane of the information landscape, as disclosed in *Strasnick*, clearly fails to disclose, teach, or suggest "***the first supply chain data axis comprising one or more predetermined positions along the axis each relating a member at the predetermined position along the axis to corresponding supply chain data in the graph at the predetermined position along the axis***," as recited in Claim 1. *Strasnick* does not disclose, teach, or suggest that the x and y axes of its information landscape include such "***predetermined positions along the axis***" and certainly does not disclose, teach, or suggest each of the one or more predetermined positions "***relating a member [of a predetermined hierarchical arrangement of supply chain data] at the***

predetermined position along the axis to corresponding supply chain data in the graph at the predetermined position along the axis," as recited in Claim 1 as amended.

To help illustrate the distinction, Applicants respectfully direct the Examiner's attention to Applicants' Specification. The following example is intended to illustrate an embodiment of the claimed invention and not to limit the claims. As one example, in certain embodiments an axis may be associated with a first dimension of supply chain data, where the first dimension of the supply chain data comprises allocated sales. (*See* Figure 11) In certain embodiments, the first dimension for the first axis is associated with a first predetermined hierarchical arrangement of supply chain data for the first dimension, such as a seller hierarchy defined by geographical regions that includes, at one level of the hierarchy, allocated sales data for continents (e.g., North America, South America, Europe, and Asia). (*See*, Figure 11) Each of these continents is a member of a hierarchical arrangement and is related to corresponding supply chain data (e.g., allocated sales) in the graph at a predetermined position along an axis. *Strasnick* clearly fails to disclose, teach, or suggest any such dimension of supply chain data associated with any axis of the ground plane of the information landscape, any such predetermined hierarchical arrangement of supply chain data being associated with any axis of the ground plane of the information landscape, or any such predetermined positions along any axis of the ground plane each relating a member at the predetermined position along the axis to corresponding supply chain data in the graph at the predetermined position along the axis. The sales data displayed in *Strasnick* is merely displayed on the ground plane of the information landscape with information being displayed on the ground plane irrespective of its position along any axis or its relationship to any member positioned along any axis.

Thus, even if "[t]he 2D plane or 3D box upon which the information objects are drawn has the X-dimension and Y-dimension or x-axis and y-axis," as stated by the Examiner (Office Action, Page 14), *Strasnick* still fails to disclose, teach, or suggest "***a first supply chain data axis being associated with a first dimension of the supply chain data***," "***the first supply chain data axis comprising one or more predetermined positions along the axis and relating a member at the predetermined position along the axis to corresponding supply chain data in the graph at the predetermined position along the axis***," and "***the first***

dimension for the first supply chain data axis [is] associated with a first predetermined hierarchical arrangement of supply chain data for the first dimension," as recited in Claim 1 as amended.

Applicants reiterate that although *Strasnick* uses the term "axis," *Strasnick* makes clear that the term "axis" is used only to refer to a width (i.e. X axis) or height (i.e. Y axis) of a display or of one or more objects in the display such that a user may alter the user's perspective of the information landscape. (*See, e.g.*, Column 1, Lines 40-50; Column 8, Lines 55-65; and Column 16, Lines 48-63) For example, *Strasnick* discloses adjusting the perspective of the information landscape by adjusting the X or horizontal dimension relative to the viewpoint of the user. (*See* Column 16, Lines 33-63) This involves merely adjusting the look of the display and is unrelated to "display[ing] a graph comprising a plurality of axes, ***a first supply chain data axis being associated with a first dimension of the supply chain data***," let alone that "***the first supply chain data axis comprising one or more predetermined positions along the axis and relating a member at the predetermined position along the axis to corresponding supply chain data in the graph at the predetermined position along the axis***" and "***the first dimension for the first supply chain data axis [is] associated with a first predetermined hierarchical arrangement of supply chain data for the first dimension***," as recited in Claim 1 as amended.

It may be true that the ground plane of the information landscape disclosed in *Strasnick* is bound by and defined by an x-axis and a y-axis and that objects drawn on the ground plane could "have" an x-axis dimension and a y-axis dimension as the Examiner asserts. However, *Strasnick* discloses that an object's position in the ground plane (as defined by the x and y dimensions) merely concerns the size of the object from the user's perspective. An object being displayed on the ground plane of the information landscape and having dimensions defined by the axes that bound the ground plane is unrelated to a "***first supply chain data axis comprising one or more predetermined positions along the axis and relating a member at the predetermined position along the axis to corresponding supply chain data in the graph at the predetermined position along the axis***" or "***a first supply chain data axis being associated with a first dimension of the supply chain data***," as recited in Claim 1 as amended.

B. ***The First and Second Levels of the First Predetermined Hierarchical Arrangement***

As another example, *Strasnick* fails to disclose, teach, or suggest "a first predetermined hierarchical arrangement of supply chain data for the first dimension comprising . . . ***a plurality of levels each comprising one or more members, the plurality of levels comprising a first level comprising a plurality of members arranged in a first predetermined manner with respect to the first supply chain data axis, such that in response to selection of the first level each member of the first level is located at a corresponding first predetermined position along the axis and is related via its corresponding first predetermined position along the axis to its corresponding supply chain data in the graph, and a second level comprising a plurality of members arranged in a second predetermined manner with respect to the first supply chain data axis, such that in response to selection of the second level each member of the second level is located at a corresponding second predetermined position along the axis and is related via its corresponding second predetermined position along the axis to its corresponding supply chain data in the graph***," as recited in Claim 1 as amended. *Strasnick* merely discloses displaying a hierarchical relationship of cells on a ground plane of an information landscape irrespective of any axis, with information being displayed on the ground plane irrespective of its position along any axis or its relationship to any member positioned along any axis. Thus, at a minimum, *Strasnick* fails to disclose, teach, or suggest "***a first level comprising a plurality of members arranged in a first predetermined manner with respect to the first supply chain data axis, such that in response to selection of the first level each member of the first level is located at a corresponding first predetermined position along the axis and is related via its corresponding first predetermined position along the axis to its corresponding supply chain data in the graph***" and "***a second level comprising a plurality of members arranged in a second predetermined manner with respect to the first supply chain data axis, such that in response to selection of the second level each member of the second level is located at a corresponding second predetermined position along the axis and is related via its second predetermined position along the axis to its corresponding supply chain data in the graph***," as recited in Claim 1 as amended.

C. *The Recited Limitations Performed "in Response to Selection of the First [or Second] Level for Display of Supply Chain Data with Respect to the First Supply Chain Data Axis"*

As another example, *Strasnick* fails to disclose, teach, or suggest the following limitations as recited, in part, in Claim 1:

- ***in response to selection of the first level for display of supply chain data with respect to the first supply chain data axis***:

  display with respect to the first supply chain data axis the one or more members of the first level in the predetermined manner, each member of the first level being located at its corresponding first predetermined position along the first supply chain data axis and being related via its corresponding first predetermined position along the axis to its corresponding supply chain data in the graph; and

  display on the graph a graphical representation of supply chain data for each of the plurality of members in the first level, ***such that each member of the first level is located at its corresponding first predetermined position along the first supply chain data axis and is related via its corresponding first predetermined position along the axis to its corresponding supply chain data in the graph***; and
- ***in response to selection of the second level for display of supply chain data with respect to the first supply chain data axis***:

  display with respect to the first supply chain data axis the one or more members of the second level in the second predetermined manner, each member of the second level being located at its corresponding second predetermined position along the second supply chain data axis and being related via its corresponding second predetermined position along the axis to its corresponding supply chain data in the graph; and

  display on the graph a graphical representation of supply chain data for each of the plurality of members in the second level, ***such that each member of the second level is located at its corresponding second predetermined position along the first supply chain data axis and is related via its corresponding second predetermined position along the axis to its corresponding supply chain data in the graph***.

In fact, *Strasnick* does not disclose any "levels" with respect to any axis that may be selected. *Strasnick* merely discloses various navigation techniques such as the "warp navigation" to which the Examiner refers, which allows a user to zoom into a particular data object for close-in viewing of the data object. (Column 8, Lines 28-30) As an example, warp navigation allows a navigator to focus on a single cell of interest. (Column 8, Lines 30-32) Certain displayed hyperlinks enable a navigator to warp to the hierarchical children, siblings, or parent of the cell. (Column 8, Lines 32-37) *Strasnick* does not discuss such "warping" to

various interrelated levels of the hierarchy for display of associated data ***with respect to any supply chain data axis***.

Strasnick fails to disclose, teach, or suggest "***in response to selection of the first level for display of supply chain data with respect to the first supply chain data axis . . . display[ing] with respect to the first supply chain data axis the one or more members of the first level in the predetermined manner, each member of the first level being located at its corresponding first predetermined position along the first supply chain data axis and being related via its corresponding first predetermined position along the axis to its corresponding supply chain data in the graph***" and "display[ing] on the graph a graphical representation of supply chain data for each of the plurality of members in the first level, ***such that each member of the first level is located at its corresponding first predetermined position along the first supply chain data axis and is related via its corresponding first predetermined position along the axis to its corresponding supply chain data in the graph***," as recited in Claim 1 as amended.

Similarly, *Strasnick* fails to disclose, teach, or suggest "***in response to selection of the second level for display of supply chain data with respect to the first supply chain data axis . . . display[ing] with respect to the first supply chain data axis the one or more members of the second level in the second predetermined manner, each member of the second level being located at its corresponding second predetermined position along the second supply chain data axis and being related via its corresponding second predetermined position along the axis to its corresponding supply chain data in the graph***" and "display[ing] on the graph a graphical representation of supply chain data for each of the plurality of members in the second level, ***such that each member of the second level is located at its corresponding second predetermined position along the first supply chain data axis and is related via its corresponding second predetermined position along the axis to its corresponding supply chain data in the graph***," as recited in Claim 1 as amended.

The Examiner maintains in the Office Action that the warping technique disclosed in *Strasnick* teaches at least portions of these limitations. For example, the Examiner discusses the disclosure in *Strasnick* of a hierarchy of a company's sales in which the hierarchy

includes the company and various departments, and the Examiner apparently equates these with the members and levels of the predetermined hierarchical arrangement as recited in Claim 1. (*See* Office Action, Pages 16-17) However, the members of the hierarchy displayed in the ground plane in *Strasnick* are not displayed such that each member is located at a corresponding predetermined position along an axis and is related via its predetermined position along the axis to its corresponding supply chain data in the graph. Instead, the members of the hierarchy are merely displayed in the ground plane of the information landscape in *Strasnick* with information being displayed on the ground plane irrespective of its position along any axis or its relationship to any member positioned along any axis.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, "[t]he identical invention must be shown in as complete detail as contained in the . . . claim." M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, "[t]he elements must be arranged as required by the claim." *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131. As illustrated above, *Strasnick* fails to disclose, either expressly or inherently, each and every limitation recited in Applicants' Claim 1, as is required under the M.P.E.P. and governing Federal Circuit cases.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependent claims. For substantially similar reasons, Applicants respectfully request reconsideration and allowance of independent Claims 24, 35, and 46 and their dependent claims.

II. Applicants' Claims are Allowable under 35 U.S.C. 103(a)

The Examiner rejects Claims 14, 19-20, 25, 30-31, 36, and 41-42 under 35 U.S.C. § 103(a) as being unpatentable over *Strasnick*. Claims 14 and 19-20 (which depend from independent Claim 1), Claims 25 and 30-31 (which depend from independent Claim 24), and Claims 36 and 41-42 (which depend from independent Claim 35) depend from allowable independent claims and are allowable for at least this reason. In addition, Claims 14, 19-20,

25, 30-31, 36, and 41-42 recite further patentable distinctions over the prior art of record. To avoid burdening the record and in view of the clear allowability of independent Claims 1, 24, and 35, Applicants do not specifically address these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 14, 19-20, 25, 30-31, 36, and 41-42.

III. No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the *Strasnick* reference. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Christopher W. Kennerly, Attorney for Applicants, at the Examiner's convenience at (214) 953-6812.

Applicants hereby take an Extension of Time for filing this Response for one month from September 4, 2004 to October 4, 2004. A check in the amount of $110.00 is enclosed to cover for the extension of time fee. The Commissioner is hereby authorized to charge any other fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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